



Attorney Docket # 5367-223PUS

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Dominik EISERT et al.

Serial No.: 10/572,655

Filed: March 6, 2007

For: Radiation-Emitting Thin-Film Semiconductor
Chip

Examiner: LAM, Cathy N.
Group Art: 2811

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 10, 2008

(Date of Deposit)

Thomas Langer

Name of applicant, assignee or Registered Representative

Thomas Langer

Signature

September 10, 2008

Date of Signature

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

SIR:

Applicants hereby request a one-month extension of the original shortened statutory response period set in the Office Action of July 25, 2008. A check in the amount of \$120.00 in payment of the government fee for a one-month extension of time is enclosed herewith.

Applicants hereby elect Specie I as shown in Figures 1 and 4. This election is made with traverse.

Claims 1-18 are readable on the elected Specie I.

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TRAVERSE

Applicants submit that since this is a National Stage application based on an International Application and was filed under 35 U.S.C. §371, unity of invention (not restriction) practice is applicable in this case. See MPEP §1893.03(d). Applicants accordingly traverse the improper election requirement set forth in the Office Action.

Applicants believe that claims 1-41 currently pending in the instant application meet the requirements for unity of invention under 37 CFR §1.475. The ISA, which applies the PCT Rules, has already considered the claimed subject matter which it treated as having unity of invention, as indicated in the International Search Report.

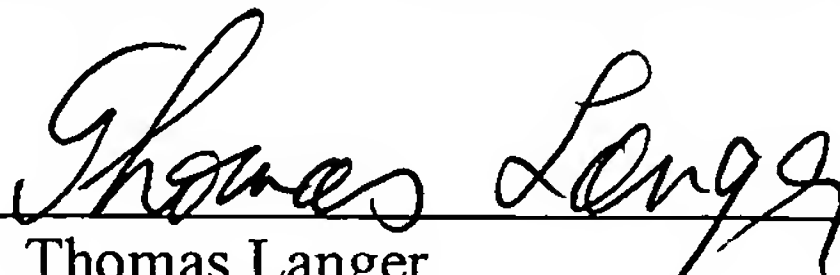
Also, there is no provision in the PCT for making species selections based on drawings. Instead, the relevant provisions of the PCT refer only to claimed subject matter.

In view of the foregoing, applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement set forth in the Office Action of July 25, 2008, and examine all of the pending claims together in the present application.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By



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